

Re: Patent Application

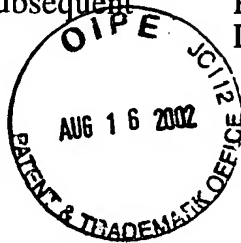
**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Barry J. Fiala and Mark B. Hodes  
Application No.: 10/041,934  
5 Filed: Jan. 8, 2002  
For: Point-of-Sale Activation and Subsequent  
Registration of Products

Group Art Unit: 2161

Examiner:  
Response  
Docket No.: A0,031

Box Missing Parts  
10 COMMISSIONER FOR PATENTS  
WASHINGTON, D.C. 20231



**RESPONSE**

In response to the Notice to File Missing Parts dated February 13, 2002,  
enclosed herewith are:

- Fee Transmittal Form;
- 15 • Transmittal Letter;
- Notice to File Missing Parts of Nonprovisional Application (Copy).
- Power of Attorney
- Statement under 37 CFR 3.73 (b) with copy of assignment attached
- Letter to Official Draftsperson with Substitute Formal Ink Drawings
- 20 (Sheets 1-14; Figures 1-76).
- A signed Declaration (1 page) by Barry J. Fiala, one of the inventors, and  
unsigned by Mark B. Hodes, another of the inventors, with accompanying  
Supplemental Application Data Sheet (2 pages).
- A Petition Under 37 C.F.R. § 1.47(a) to Accept Application When An
- 25 Inventor Refuses to Sign
- A signed Declaration (3 pages) by Bill M. Wade, Esq., with attached  
Exhibit A (10 pages), in support of said Petition.

- Request for 4 month Extension of Time (in triplicate) with Self-Addressed Stamped Envelope
- An Information Disclosure Statement (6 pages) with 59 references.
- Itemized Return Receipt Postcard for stamping by U.S.P.T.O. Mail Room

5 An assignment from one of the inventors to Riverborne Communications, LLC, is being concurrently submitted herewith for recordation.

Please charge any fees and/or additional fees or credit any overpayment concerning the filing of this response to Deposit Account No. 23-0125.

Subject application is now in condition for examination. An early formal  
10 favorable action is requested.

Riverborne Communications, LLC

Date: 8/13/2002

By: Russell H. Walker

Certificate of Mailing

15 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to

Box Missing Parts  
Commissioner for Patents  
Washington, D.C. 20231

20 on 8/13/2002

Russell H. Walker

Russell H. Walker Reg. No.: 35,401

Date: 8/13/2002

Russell H. Walker  
6363 Poplar Ave., # 434  
Memphis, TN 38119-4896  
Tel. No. (901) 685-7428  
Registration No. 35,401  
Attorney for Assignee

MP 1216  
#3

In re:

Art Unit: 2161

Serial No.: 10/041,934

Examiner:

## Response

Docket No.: A0,031



Enclosed herewith are the documents set forth hereinbelow for processing:

Notice to File Missing Parts (Part 3, 1 page): Response to Notice to File

Also enclosed is my check in the sum of \$1,597.00 for the required fee.

Please charge any additional fees or credit any overpayment concerning the filing of the enclosed documents to Deposit Account No. 23-0125.

Respectfully submitted,  
Riverborne Communications, LLC

Date: 8/13/2002

By: Russell H. Walker

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is being deposited with the United States  
Postal Service as first class mail in an en-  
velope addressed to: Box Missing Parts,  
Commissioner for Patents, Washington, D.C.  
20231, on 8/13/2002

Russell H. Walker  
Russell H. Walker Reg. No. 35,401  
Date: 8/13/2002

Russell H. Walker  
6363 Poplar Ave., Suite 434  
Memphis, TN 38119  
Tel. No. (901) 685-7428  
Registration No. 35,401  
Attorney for Assignee



#7

Re: Patent Application

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Date: August 13, 2002  
File No.: A0,031TRANSMITTAL LETTER

In re: Applicants: Barry J. Fiala and Mark B. Hodes Art Unit: 2161  
Assignee: Riverborne Communications, LLC  
Appl'n No.: 10/041,934 Examiner:  
Filed: Jan. 8, 2002 Drawings  
For: Point-of-Sale Activation and Subsequent Registration of Products

Docket No.: A0,031

ATTENTION: OFFICIAL DRAFTSPERSON

TO THE COMMISSIONER FOR PATENTS:

Sir:

Enclosed herewith are the documents set forth hereinbelow for processing:

New Drawings - 14 Sheets Figs. (1-76) to be substituted as formal drawings.Also enclosed is my check in the sum of N/A for the required fee.

Please charge any additional fees or credit any overpayment concerning  
the filing of the enclosed documents to Deposit Account No. 23-0125.

Respectfully submitted,  
Riverborne Communications, LLC

Date: 8/13/2002By: Russell H. Walker

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is being deposited with the United States  
Postal Service as first class mail in an en-  
velope addressed to: Box Missing Parts,  
Commissioner for Patents, Washington,  
D.C., 20231, on 8/13/2002

Russell H. Walker  
Russell H. Walker Reg. No.: 35,401  
Date: 8/13/2002

Russell H. Walker  
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Tel. No. (901) 685-7428  
Registration No. 35,401  
Attorney for Assignee



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, D.C. 20231  
www.uspto.gov

| APPLICATION NUMBER | FILING/RECEIPT DATE | FIRST NAMED APPLICANT | ATTORNEY DOCKET NUMBER |
|--------------------|---------------------|-----------------------|------------------------|
| 10/041,934         | 01/08/2002          | Barry J. Fiala        | A0,031                 |

Russell H. Walker  
Walker, McKenzie & Walker, P.C.  
Suite 434  
6363 Poplar Avenue  
Memphis, TN 38119-4896



CONFIRMATION NO. 4908  
FORMALITIES LETTER



Date Mailed: 02/13/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

08/19/2002 NGBREM1 00000004 10041934

FILED UNDER 37 CFR 1.53(b)

|           |           |
|-----------|-----------|
| 01 FC:201 | 370.00 OP |
| 02 FC:202 | 42.00 OP  |
| 03 FC:203 | 270.00 OP |
| 04 FC:205 | 65.00 OP  |

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.  
*Applicant must submit \$ 370 to complete the basic filing fee for a small entity.*
- Total additional claim fee(s) for this application is \$312.
  - \$270 for 30 total claims over 20.
  - \$42 for 1 independent claims over 3 .
- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 747.

*A copy of this notice **MUST** be returned with the reply.*

*K. Lee*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 3 - OFFICE COPY

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

# FEE TRANSMITTAL for FY 2002

Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$1,597.00)

## Complete if Known

Application Number 10/041,934  
Filing Date Jan. 8, 2002  
First Named Inventor Barry J. Fiala  
Examiner Name  
Group Art Unit 2161  
Attorney Docket No. A0,031

## METHOD OF PAYMENT (check all that apply)

☒ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 23-0125  
Deposit Account Name Walker, McKenzie & Walker PC

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☒ Credit any overpayments  
☒ Charge any additional fee(s) due to the processing of this application  
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

## FEE CALCULATION

### 1. BASIC FILING FEE

| Large Entity |          | Small Entity |          | Fee Description        | Fee Paid |
|--------------|----------|--------------|----------|------------------------|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |                        |          |
| 101          | 740      | 201          | 370      | Utility filing fee     | 370      |
| 106          | 330      | 206          | 165      | Design filing fee      |          |
| 107          | 510      | 207          | 255      | Plant filing fee       |          |
| 108          | 740      | 208          | 370      | Reissue filing fee     |          |
| 114          | 160      | 214          | 80       | Provisional filing fee |          |

SUBTOTAL (1) (\$) 370

### 2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid  
Total Claims 50 -20\*\* = 30 x 9 = 270  
Independent Claims 4 -3\*\* = 1 x 42 = 42  
Multiple Dependent ☐ = ☐

| Large Entity |          | Small Entity |          | Fee Description  | Fee Paid |
|--------------|----------|--------------|----------|--|----------|
| Fee Code     | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 103          | 18       | 203          | 9        | Claims in excess of 20                                     |          |
| 102          | 84       | 202          | 42       | Independent claims in excess of 3                          |          |
| 104          | 280      | 204          | 140      | Multiple dependent claim, if not paid                      |          |
| 109          | 84       | 209          | 42       | ** Reissue independent claims over original patent         |          |
| 110          | 18       | 210          | 9        | ** Reissue claims in excess of 20 and over original patent |          |

SUBTOTAL (2) (\$) 312

\*\*or number previously paid, if greater; For Reissues, see above

## FEE CALCULATION (continued)

### 3. ADDITIONAL FEES

| Large Entity   |          | Small Entity |          | Fee Description  | Fee Paid |
|--|----------|--------------|----------|--|----------|
| Fee Code   | Fee (\$) | Fee Code     | Fee (\$) |  |          |
| 105  | 130      | 205          | 65       | Surcharge - late filing fee or oath  | 65       |
| 127  | 50       | 227          | 25       | Surcharge - late provisional filing fee or cover sheet                     |          |
| 139  | 130      | 139          | 130      | Non-English specification  |          |
| 147  | 2,520    | 147          | 2,520    | For filing a request for ex parte reexamination                            |          |
| 112  | 920*     | 112          | 920*     | Requesting publication of SIR prior to Examiner action                     |          |
| 113  | 1,840*   | 113          | 1,840*   | Requesting publication of SIR after Examiner action                        |          |
| 115  | 110      | 215          | 55       | Extension for reply within first month                                     |          |
| 116  | 400      | 216          | 200      | Extension for reply within second month                                    |          |
| 117  | 920      | 217          | 460      | Extension for reply within third month                                     |          |
| 118  | 1,440    | 218          | 720      | Extension for reply within fourth month                                    | 720      |
| 128  | 1,960    | 228          | 980      | Extension for reply within fifth month                                     |          |
| 119  | 320      | 219          | 160      | Notice of Appeal   |          |
| 120  | 320      | 220          | 160      | Filing a brief in support of an appeal                                     |          |
| 121  | 280      | 221          | 140      | Request for oral hearing   |          |
| 138  | 1,510    | 138          | 1,510    | Petition to institute a public use proceeding                              |          |
| 140  | 110      | 240          | 55       | Petition to revive - unavoidable   |          |
| 141  | 1,280    | 241          | 640      | Petition to revive - unintentional   |          |
| 142  | 1,280    | 242          | 640      | Utility issue fee (or reissue)   |          |
| 143  | 460      | 243          | 230      | Design issue fee   |          |
| 144  | 620      | 244          | 310      | Plant issue fee  |          |
| 122  | 130      | 122          | 130      | Petitions to the Commissioner  |          |
| 123  | 50       | 123          | 50       | Processing fee under 37 CFR 1.17(q)  |          |
| 126  | 180      | 126          | 180      | Submission of Information Disclosure Stmt                                  |          |
| 581  | 40       | 581          | 40       | Recording each patent assignment per property (times number of properties) |          |
| 146  | 740      | 246          | 370      | Filing a submission after final rejection (37 CFR § 1.129(a))              |          |
| 149  | 740      | 249          | 370      | For each additional invention to be examined (37 CFR § 1.129(b))           |          |
| 179  | 740      | 279          | 370      | Request for Continued Examination (RCE)                                    |          |
| 169  | 900      | 169          | 900      | Request for expedited examination of a design application                  |          |
| Other fee (specify) Petition under 37 CFR 1.47(a) / 37 CFR 1.17(h) |          |              |          |  | \$130    |
| *Reduced by Basic Filing Fee Paid                                  |          |              |          | SUBTOTAL (3)   | (\$15    |

## SUBMITTED BY

Name (Print/Type) Russell H. Walker Registration No. 35,401 Telephone 901-685-7428  
Signature Russell H. Walker Date 8/13/2002

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.